

New Orleans Health Department Regulations Governing Public Place/Right-of-Way Obstructions

I. Authority. Pursuant to Section 4-107(3) of the Home Rule Charter of the City of New Orleans, Section 2-1000 of the City Code, Section 146-493 of the City Code, and Chapter 82 of the City Code, the Department of Health of the City of New Orleans proposes the following regulations relative to public place/right-of-way obstructions, including but not limited to regulations on notice, clearing and cleaning of the affected areas, the storage of certain personal property of affected citizens, and monitoring of affected areas.

II. Applicability. These regulations shall apply when either:

- (1) A public right-of-way is deemed to be obstructed pursuant to Section 146-493 of the City Code; or
- (2) A public health advisory has been issued pursuant to Chapter 82 of the City Code, as well as Title 51 of the Louisiana Administrative Code, Part V, Section 303.

III. Notice.

(1) In the event enforcement actions are intended to be undertaken pursuant to City Code Section 146-493 (Section II (1) hereinabove), notice to those affected by the planned enforcement action shall be provided by the Department of Health or other city agency as follows:

- (a) Unless permanent signs are posted pursuant to subpart (b) herein, temporary signs using the template attached hereto as Exhibit "A" shall be posted twenty four (24) hours prior to commencement of any enforcement actions and/or cleaning. In addition to temporary signage, in any area not affixed with permanent signage notice shall additionally be placed on unattended personal property in the affected area 24 hours prior to commencement of any enforcement actions and/or cleaning.
- (b) Alternatively, permanent signage can be placed in areas that are subject to routine cleaning. Routine cleaning shall be defined as cleaning the same area at least once a week at regular intervals. Permanent signage shall be in writing, using the template attached hereto as Exhibit "B". Areas with permanent signage are exempt

from the temporary signage requirement unless enforcement/cleaning occurs not in compliance with the posted sign.

- (2) In the event enforcement actions are intended to be undertaken pursuant to the issuance of a public health advisory (Section II (2) hereinabove), notice to those affected by the planned enforcement action shall be provided by the Department of Health or other city agency as follows:
 - (a) Notice shall be in writing, using the template attached hereto as Exhibit "C".
 - (b) Such notice shall be issued, posted, and distributed in and immediately surrounding the affected area, with the first of such notices being so issued, posted, and distributed at least twenty four (24) hours prior to commencement of any enforcement actions.
 - (c) Such notice shall be placed on or affixed to any unattended personal property located in the affected area.

IV. Storage of Personal Property Remaining in Affected Areas.

- (1) Prior to enforcement actions, any personal property remaining in the affected areas that is free of pest infestations, not otherwise a health/safety risk; and not trash/refuse, shall be seized and removed by the Department of Sanitation (Department of Public Works in the case of vehicles) or other appropriate city agency and stored in/at a designated city facility for a period of at least sixty (60) days in order to afford the owner(s) of such personal property a reasonable opportunity to claim said property upon producing adequate proof of ownership. Citizens may utilize the “Storage of Personal Belongings” form attached hereto as Exhibit “D” to describe the items to be stored and to facilitate their claim to ownership thereof.
- (2) In the event such personal property is not claimed by its rightful owner(s) within the sixty (60) day time period cited hereinabove, the city may dispose of such unclaimed personal property in whatever manner may be deemed appropriate.

V. Monitoring.

- (1) In the event a public health advisory has been issued relative to a subject area, at the conclusion of enforcement actions and cleanup (pursuant to Sections III (2), and IV hereinabove), signage will be posted to provide notice that citizens may not enter the area and police barricades may be installed around the affected areas by the New Orleans Police Department (NOPD) or other appropriate city agency in order to secure the affected areas and deter citizens from entering said areas.
- (2) As long as said signage remains in place, NOPD and/or other appropriate city agencies may monitor the site to ensure that citizens are not entering thereon while the area may still pose a public health threat.